

# Notice of Allowability

Application No.

10/657,977

Examiner

David J. Parsley

Applicant(s)

BERRY, ALLAN TODD

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 1-29-07.
2. ☒ The allowed claim(s) is/are 24 and 25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## EXAMINER'S AMENDMENT

### *Specification*

1. The disclosure is objected to because of the following informalities: it is recommended that the metal flags on the trolley and the metal flags on the shackles of the picking and eviscerating lines have different reference numerals in that the flags on the picking and eviscerating lines are described as being large and thus different than the flags on the trolleys.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to because it is recommended that the metal flags on the trolley and the metal flags on the shackles of the picking and eviscerating lines have different reference numerals in that the flags on the picking and eviscerating lines are described as being large and thus different than the flags on the trolleys.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. It is noted that applicant has requested that the examiner redraft the claims to include allowable subject matter as seen in the response dated 1-29-07.

The application has been amended as follows:

In line 5 of claim 24, add - -on an eviscerating line- - after "plurality of first shackles".

In line 7 of claim 24, add - - on a picking line- - after "second shackles".

In line 14 of claim 24, delete "a picking line, an eviscerating line, and"

In lines 14-15 of claim 24, replace "at least one trolley" with - -a plurality of trolleys, a metal flag on each trolley of said plurality of trolleys except one- -.

In line 21 of claim 24, add - -a first large- - before "metal".

In line 21 of claim 24, replace "said at least" with - -only- -.

In line 21 of claim 24, add - -of said plurality of first shackles- - after "shackle".

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In line 22 of claim 24 add - -a second large- - before “metal”.

In line 22 of claim 24 replace “said at least” with - -only- -.

In line 22 of claim 24 add - -of said plurality of second shackles- - after “shackle”.

In line 5 of claim 25, add - -on an eviscerating line- - after “plurality of first shackles”.

In line 7 of claim 25, add - - on a picking line- - after “shackles”.

In line 14 of claim 25, delete “a picking line, an eviscerating line, and”.

In line 15, replace “at least one trolley” with - - a plurality of trolleys, a metal flag on each trolley of said plurality of trolleys except one- -.

In line 21 of claim 25, replace “at least one” with - -a first large- -.

In line 21 of claim 25, replace “said at least” with - -only- -.

In line 21 of claim 25, add - -of said plurality of first shackles- - after “shackle”.

In line 22 of claim 25 replace “at least one” with - -a second large- -.

In line 22 of claim 25 replace “said at least” with - -only- -.

In line 22 of claim 25 add - -of said plurality of second shackles- - after “shackle”.

### *Reasons for Allowance*

4. The following is an examiner’s statement of reasons for allowance: the limitations of “...sensors including at least one photoelectric sensor and at least one inductive sensor for tracking a whole chicken bird less its chicken feet in at least one first shackle of a plurality of first shackles on an eviscerating line and only said chicken feet separate from said whole chicken bird in at least one second shackle of a plurality of second shackles on a picking line...at least

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one inspector reject button communicating with said programmable logic card; an automatic rehandler including a plurality of trolleys, a metal flag on each trolley of the plurality of trolleys except one...a first large metal flag on only one first shackle of said plurality of first shackles; and a second large metal flag on only one second shackle of said plurality of second shackles...” in claim 24 are not found in combination in the prior art of record, and the limitations of “...sensing with at least one photoelectric sensor and at least one inductive sensor, for tracking a whole chicken bird less its chicken feet in at least one first shackle of a plurality of first shackles on an eviscerating line and only said chicken feet separate from said whole chicken bird in at least one second shackle of a plurality of second shackles on a picking line...employing at least one inspector reject button communicating with said programmable logic card; employing an automatic rehandler including a plurality of trolleys, a metal flag on each of the plurality of trolleys except one...using a first large metal flag on said at least first shackle of said plurality of first shackles; and using a second large metal flag on said at least one second shackle of said plurality of second shackles...” in claim 25 are not found in combination in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Parsley  
Patent Examiner  
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